

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 593

BY ENVIRONMENT, ENERGY AND TECHNOLOGY COMMITTEE

AN ACT

1 RELATING TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING LEGISLATIVE  
2 INTENT; AMENDING SECTION 39-5803, IDAHO CODE, TO REMOVE AN OBSOLETE  
3 DEFINITION; AMENDING SECTION 39-5804, IDAHO CODE, TO REMOVE AN OUT-  
4 DATED REFERENCE; REPEALING SECTION 39-5805, IDAHO CODE, RELATING TO THE  
5 STATE HAZARDOUS WASTE MANAGEMENT PLANNING COMMITTEE; REPEALING SECTION  
6 39-5806, IDAHO CODE, RELATING TO THE STATE HAZARDOUS WASTE MANAGEMENT  
7 PLAN; REPEALING SECTION 39-5807, IDAHO CODE, RELATING TO THE AMENDMENT  
8 OR REJECTION OF THE PLAN; REPEALING SECTION 39-5809, IDAHO CODE, RE-  
9 LATING TO ISSUANCE OF PERMITS AND LICENSES; AMENDING SECTION 39-5810,  
10 IDAHO CODE, TO REMOVE AN OUTDATED REFERENCE; REPEALING CHAPTER 66,  
11 TITLE 39, IDAHO CODE, RELATING TO BIG PAYETTE LAKE WATER QUALITY; AND  
12 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
13

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. IDAHO CODE CLEANUP -- LEGISLATIVE INTENT. It is the intent  
16 of the Legislature to ensure that the state laws provided in Idaho Code are  
17 streamlined, up-to-date, and essential for the citizens of Idaho, while best  
18 serving the public health, safety, and welfare. In accordance with the Idaho  
19 Code Cleanup Act, following comprehensive review, the Legislature has iden-  
20 tified the provisions of this act as obsolete, outdated, or unnecessary.

21 SECTION 2. That Section 39-5803, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 39-5803. DEFINITIONS. As used in this chapter:

24 (1) "Panel" means the site review panel created in section 39-5812,  
25 Idaho Code.

26 ~~(2) "Committee" means the state hazardous waste management planning~~  
27 ~~committee created in section 39-5805, Idaho Code.~~

28 ~~(3)~~ (2) "Department" means the department of environmental quality.

29 ~~(4)~~ (3) "Designated facility" means a hazardous waste treatment, stor-  
30 age or disposal facility that has received a permit or has interim status un-  
31 der title II of the solid waste disposal act or has a permit from the state  
32 authorized under section 3006 of title II of the solid waste disposal act (42  
33 U.S.C. 6926).

34 ~~(5)~~ (4) "Director" means the director of the department of environmen-  
35 tal quality.

36 ~~(6)~~ (5) "Disposal" is defined in section 39-4403, Idaho Code.

37 ~~(7)~~ (6) "Disposal facility" means a facility or a part of a facility at  
38 which managed hazardous waste, as defined by rule, is intentionally placed  
39 into or on any land or water and at which hazardous waste will remain after  
40 closure.

41 ~~(8)~~ (7) "Generator" is defined in section 39-4403, Idaho Code.

1       ~~(9)~~ (8) "Hazardous waste" is defined in section 39-4403, Idaho Code.  
2       ~~(10)~~ (9) "Hazardous waste management" is defined in section 39-4403,  
3 Idaho Code.  
4       ~~(11)~~ (10) "On-site" means on the same or geographically contiguous  
5 property that may be divided by a public or private right-of-way if the  
6 entrance and exit between the pieces of property are at a crossroads inter-  
7 section and access is by crossing rather than going along the right-of-way.  
8 Noncontiguous pieces of property owned by the same person but connected by  
9 a right-of-way that the owner controls and to which the public does not have  
10 access is also considered on-site property.  
11       ~~(12)~~ (11) "Operator" means the person responsible for the overall oper-  
12 ation of a disposal, treatment or storage facility with approval of the di-  
13 rector either by contract or permit.  
14       ~~(13)~~ (12) "Person" is defined in section 39-4403, Idaho Code.  
15       ~~(14)~~ (13) "Plan" means the state hazardous waste management plan  
16 prepared under the provisions of section 39-5806, Idaho Code.  
17       ~~(15)~~ (14) "Storage" is defined in section 39-4403, Idaho Code.  
18       ~~(16)~~ (15) "Storage facility" means a facility or part of a facility at  
19 which managed hazardous waste, as defined by rule and regulation, is subject  
20 to storage.  
21       ~~(17)~~ (16) "Title II of the solid waste disposal act" means sections 1001  
22 through 8006 of public law 89-272, 42 U.S.C. 6901, 6902 through 6910, 6912  
23 through 6940, and 6942 through 6986.  
24       For purposes of this chapter, words and phrases defined in section  
25 39-4403, Idaho Code, shall carry the same meaning when used in this chapter  
26 unless the context clearly denotes otherwise.

27       SECTION 3. That Section 39-5804, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29       39-5804. METHODS OF HAZARDOUS WASTE MANAGEMENT. The department ~~and~~  
30 ~~the committee~~ in the conduct of ~~their~~ its duties under the provisions of this  
31 chapter and under the provisions of chapter 44, title 39, Idaho Code, shall  
32 assist in encouraging, developing and implementing methods of hazardous  
33 waste management which are environmentally sound, which maximize the uti-  
34 lization of valuable resources and which encourage resource conservation  
35 including source separation and waste reduction.

36       SECTION 4. That Section 39-5805, Idaho Code, be, and the same is hereby  
37 repealed.

38       SECTION 5. That Section 39-5806, Idaho Code, be, and the same is hereby  
39 repealed.

40       SECTION 6. That Section 39-5807, Idaho Code, be, and the same is hereby  
41 repealed.

42       SECTION 7. That Section 39-5809, Idaho Code, be, and the same is hereby  
43 repealed.

1 SECTION 8. That Section 39-5810, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 39-5810. LICENSES -- ~~ISSUANCE AFTER ADOPTION OF PLAN. After the plan~~  
4 ~~has been adopted by the committee, the~~ The director shall not issue a license  
5 under the provisions of this chapter for a hazardous waste treatment, stor-  
6 age or disposal facility until the director has made a determination that  
7 the action is consistent with the adopted hazardous waste management plan.  
8 The director may exempt classes or categories of hazardous waste treatment,  
9 storage or disposal facilities from complying with the hazardous waste man-  
10 agement plan if the exemption is in the public interest and consistent with  
11 state and federal law. If the director exempts classes or categories of haz-  
12 ardous waste treatment, storage or disposal facilities from complying with  
13 the hazardous waste management plan, rules and regulations shall be promul-  
14 gated in compliance with chapter 52, title 67, Idaho Code, specifically in-  
15 dicating the exemption.

16 SECTION 9. That Chapter 66, Title 39, Idaho Code, be, and the same is  
17 hereby repealed.

18 SECTION 10. An emergency existing therefor, which emergency is hereby  
19 declared to exist, this act shall be in full force and effect on and after  
20 July 1, 2026.